

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

Improving Outage Reporting for
Submarine Cables and Enhancing
Submarine Cable Outage Data

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GN Docket No. 15-206

REPLY COMMENTS OF DOCOMO PACIFIC, INC.

I. INTRODUCTION AND SUMMARY

DOCOMO PACIFIC, Inc. (“DPI”) respectfully submits its reply comments in response to the Commission’s proposed rules to adopt mandatory outage reporting requirements for submarine cable licensees.¹ With few exceptions, most commenters do not object to a requirement that submarine cable operators report network outages, although they take issue with some aspects of the Commission’s proposed rules.²

As a network operator, DPI agrees that network outage reporting requirements must reasonably balance the Commission’s need for information about outages affecting submarine cable systems with the burdens that such reporting obligations impose on submarine cable

¹ *Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data*, Notice of Proposed Rulemaking, FCC 15-119 (rel. Sept. 18, 2015) (“NPRM”).

² See Comments of AT&T Services Inc., GN Docket No. 15-206, at 1-2 (filed Dec. 3, 2015) (“AT&T supports these objectives” underlying the Commission’s proposed network outage reporting rules) (“AT&T Comments”); Comments of the Attorney General of the Northern Mariana Islands, GN Docket No. 15-206 (filed Oct. 14, 2015) (“CNMI Attorney General Comments”); Comments of PC Landing Corp., GN Docket No. 15-206 (filed Dec. 3, 2015) (“PC Landing Comments”); Joint Comments of Submarine Cable Coalition, GN Docket No. 15-206, at 1 (filed Dec. 3, 2015) (not objecting “in principle” to extending “outage reporting” to submarine cable systems) (“SCC Comments”); *but see* Comments of The North American Submarine Cable Association, GN Docket No. 15-206 (filed Dec. 3, 2015), (“NASCA Comments”); Comments of Quintillion Subsea Holdings, LLC., GN Docket No. 15-206, (filed Dec. 3, 2015) (“Quintillion Comments”) (supporting “the continuation of voluntary reporting”).

operators. Based on the comments filed in this proceeding, DPI believes that the Commission can and should adopt rules that achieve this balance for the benefit of regulators, operators, and customers alike. DPI also agrees with commenters that the industry and consumers would be well served by the Commission adopting its clearinghouse proposal, which would facilitate the deployment and operation of submarine cable systems.

II. DISCUSSION

A. No Reason Exists To Exempt Submarine Cable Operators From Mandatory Network Outage Reporting Requirements.

DPI has experienced firsthand the effects of a submarine cable system outage. On July 8, 2015, the undersea cable connecting Guam and the primary inhabited islands that comprise the Commonwealth of the Northern Mariana Islands (“CNMI”), including Saipan, Rota and Tinian, sustained a cut between the islands of Saipan and Tinian. DPI’s cell sites in Saipan, Rota, and Tinian immediately went out of service. For approximately the first 48 hours after the cable cut occurred, all cellular (both 2G and 3G) and Internet service were offline. DPI also lost all access to its billing, provisioning, and customer care facilities for its CNMI customers.

Even assuming that the submarine cable system serving Guam and the CNMI is “anomalous,” as NASCA contends,³ this fact provides cold comfort to DPI and its customers who were without service, including the ability to call emergency services, for an extended period of time as a result of the aforementioned cable cut. Furthermore, an obvious tension exists between NASCA’s insistence that “serious faults” affecting submarine cable systems are “very rare” with its claims that requiring submarine cable operators to report network outages would be significantly burdensome.⁴

³ NASCA Comments at 5.

⁴ NASCA Comments at 4 & 22-28.

Given the breadth of the Commission's existing network outage reporting rules – which currently apply to cable, tandem, satellite, wireless, wireline, and SS7 networks – no public policy reason exists to exempt submarine cable operators from a mandatory obligation to report network outages, and commenters offer none. Every network outage reporting regime involves “costs” and requires the attention of “operations personnel” – circumstances that should not excuse submarine cable operators from having to report network outages.⁵ Likewise, the same risks to submarine cable infrastructure – natural risks and human risks – apply equally to other communications networks that currently are subject to outage reporting requirements.⁶

To be sure, extending network outage reporting requirements to submarine cable systems will not eliminate outages affecting undersea cables. However, consistent with the rationale underlying the Commission's current network outage reporting regime, DPI believes that outage reporting rules will create additional incentives and opportunities for submarine cable operators to implement measures to protect against outages and to remedy any outages promptly.

B. Outage Reporting Rules Should Recognize The Unique Attributes Of Submarine Cable Systems Without Creating Unwarranted Exemptions.

Several commenters express concern with the proposed definition of an “outage” that would trigger a submarine cable operator's reporting obligation, noting the difficulties in

⁵ Quintillion Comments at 1; PC Landing Comments at 2. DPI does not agree with the suggestion that reasonable network outage reporting rules will “distract” a network operator and “interfere with traffic restoration.” PC Landing Comments at 2; *see also* NASCA Comments at 22 (network outage rules should “allow cable operator personnel to focus their attention first on initiating the steps necessary to address the problem and then on alerting regulators”). Other network operators are able to balance their obligation to report timely network outages with the need to restore promptly disrupted services, and submarine cable operators should be able to do so as well.

⁶ NASCA Comments at 7.

attempting to calculate a cable's capacity.⁷ AT&T proposes instead that a reportable capacity loss should be the loss of any fiber pair, which appears to be a workable compromise.

NASCA objects to any obligation to report outages that involve the rerouting of traffic to an alternative cable, claiming that the proposed outage reporting requirements would “single[] out” submarine cable operators by requiring the reporting of outages “that do not degrade what an end user or customer experiences” and by treating submarine cable operators “substantially differently than high-capacity terrestrial networks”⁸ However, as the NPRM points out, and as other commenters acknowledge, Part 4 of the Commission's rules currently requires reporting for “outages” that do not involve a complete loss of service.⁹

Several commenters also propose to exempt “scheduled or routine maintenance” from any network outage reporting obligations.¹⁰ But this proposal ignores that the Commission recently considered and rejected a similar exemption to its current outage reporting rules, finding “that exempting planned outages from the scope of reporting would detract from the purposes of Part 4.”¹¹ Commenters do not explain why the Commission should reach a different result here.

⁷ See, e.g., AT&T Comments at 13-15; NASCA Comments at 9-13.

⁸ NASCA Comments at 14.

⁹ See NPRM ¶ 30 (noting that its proposal “that an outage sufficient to trigger Part 4 reporting exists for submarine cables if there is a failure or significant degradation in the performance of a submarine cable, regardless of whether traffic traversing that cable can be re-routed to an alternate cable” is “analogous to Part 4 reporting for simplex outages”); AT&T Comments at 10 (acknowledging that “proposed reporting requirement is somewhat analogous to the current FCC reporting of simplex outages, where there also is no adverse impact on services to customers, but would require a significantly shorter proposed timeframe ...”).

¹⁰ NASCA Comments at 10; SCC Comments at 6.

¹¹ *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Notice of Proposed Rulemaking, Second Report and Order and Order on Reconsideration, 30 FCC Rcd 3206, ¶ 66 (2015) (denying request for “reconsideration of the Commission's decision to treat planned outages related to network maintenance, repair, and upgrades the same as other outages for purposes of its reporting requirements”).

C. **Any Treatment Of Network Outage Reports As Confidential Should Be Conditioned Upon A Requirement That The Network Operator Notify Affected Customers Of The Outage And Keep Customers Informed Of Its Repair Efforts.**

DPI acknowledges that network outage reports contain proprietary information that should ordinarily be shielded from public disclosure.¹² However, as NASCA correctly points out, submarine cable operators are uniquely situated in that they “offer wholesale capacity” and typically do not “have traditional retail customers.”¹³ As a result, customers such as DPI, which rely upon a submarine cable operator to provide the capacity required to serve their end users, are completely at the mercy of the operator to provide timely information about a network outage and its efforts to repair that outage. DPI had difficulty obtaining this information from the operator of the submarine system serving the CNMI in connection with the recent cable cut. The same was true for the government of the CNMI, which “did not receive prompt reports of the cable break,” resulting in entire communities “left without emergency services for a longer period than necessary.”¹⁴

While many submarine cable operators may have service level agreements with customers that either require or contemplate notice of certain network outages,¹⁵ not all operators have such contractual obligations with their customers. Because of the importance of wholesale and enterprise customers receiving timely notice of an outage to a submarine cable system and the operator’s repair activities, such notice should be a precondition of confidential treatment of that operator’s network outage reports. This approach would ensure that proprietary information

¹² NASCA Comments at 21-22; AT&T Comments at 21.

¹³ NASCA Comments at 16; *see also* PC Landing Comments at 2 (“PC Landing is a wholesale provider of large-scale circuit capacity to leading telecommunications carriers in the U.S. and Asia, as well as to enterprise customers that operate their own networks ...”).

¹⁴ CNMI Attorney General Comments at 2.

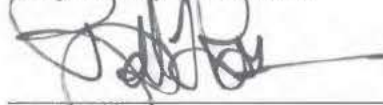
¹⁵ SCC Comments at 6.

is adequately protected from public disclosure while not leaving wholesale and enterprise customers in the dark when an outage to a submarine cable occurs.

D. The Commission Should Adopt Its Clearinghouse Proposal.

DPI agrees with commenters that endorse adoption of the Commission's clearinghouse proposal.¹⁶ Because it is exploring whether to deploy a second undersea system that would provide much-needed redundancy between Guam and the CNMI, DPI has particular interest in the Commission's efforts to improve coordination among government agencies to enhance protection of submarine cables and streamline the permitting process. The Commission's clearinghouse proposal would be a step in the right direction to achieve these important objectives, which also would advance the Commission's goal of ensuring that submarine cable infrastructure is "reliable, resilient, and diverse."¹⁷

Respectfully submitted,



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¹⁶ AT&T Comments at 21-24; NASCA Comments at 26-42.

¹⁷ NPRM ¶ 2.